

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JUL 18 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISIONJAMES N. HATTEN, CLERK
By: *[Signature]* Deputy Clerk

FRANKIE FREEMAN,

Plaintiff,

v.

DEKALB COUNTY BOARD
OF EDUCATION

Defendant.

CIVIL ACTION NO. -
1:12-CV-2496

ORIGINAL

DEFENDANT'S PETITION FOR REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant DeKalb County Board of Education hereby files this PETITION FOR REMOVAL of this action from the Superior Court of DeKalb County, Case No. 12CV7352-1, to the United States District Court for the Northern District of Georgia, Atlanta Division.

Pursuant to 28 U.S.C. § 1446 and 28 U.S.C. § 1441(b), Defendant submits the following statement of grounds for removal:

1.

This civil action was originally brought in the Superior Court of DeKalb County, Case No. 12CV7352-1.

2.

The Superior Court of DeKalb County is located within the Northern District of Georgia.

3.

Plaintiff alleges violations of 29 U.S.C.S. § 215(a)(3), the Fair Labor Standards Act, a federal statute.

4.

Plaintiff alleges state claims pursuant to: (1) O.C.G.A. § 45-1-4; (2) O.C.G.A. § 34-7-2; and (3) breach of contract.

5.

This Court has original jurisdiction over this action under 28 U.S.C. § 1331, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

7.

A copy of the Complaint served on Defendant in the Superior Court is attached as Exhibit A to this PETITION FOR REMOVAL, and is incorporated by reference.

8.

A copy of the Defendant's Answer filed concurrently with this PETITION FOR REMOVAL in the United States District Court for the Northern District of Georgia is attached as Exhibit B to this PETITION FOR REMOVAL.

9.

The filing of this PETITION FOR REMOVAL is timely pursuant 28 U.S.C. § 1446(b).

10.

Defendant also files with its Petition Defendant's Motion to Dismiss, attached hereto as Exhibit "C" and Defendant's Response in Opposition to Plaintiff's Motion for Interlocutory Injunction, attached hereto as Exhibit "D" timely filed with the Clerk of the Superior Court of DeKalb County.

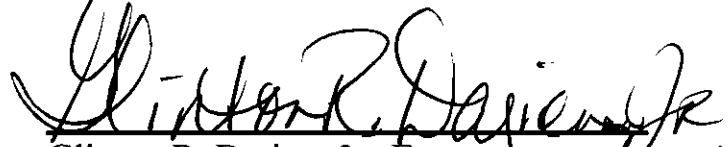
11.


Defendant has caused this PETITION FOR REMOVAL to be served upon counsel for Plaintiff and to be filed with the Clerk of the Superior Court of DeKalb County.

WHEREFORE, Defendant filed this PETITION FOR REMOVAL removing the action now pending in the Superior Court of DeKalb County, Case No. 12CV7352-1 from the state court to this Court. Defendant respectfully requests that this action proceed as an action properly removed hereto.

Respectfully submitted this 18th day of July 2012,

ALEXANDER & ASSOCIATES


Ginton R. Darien, Jr., Esq. *signed w/*
Georgia Bar No. 684676 *permission*


Janet C. Scott, Esq.
Georgia Bar No. 252707

Attorneys for Defendant
DeKalb County Board of Education

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FRANKIE FREEMAN,

Plaintiff,

v.

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CIVIL ACTION NO:

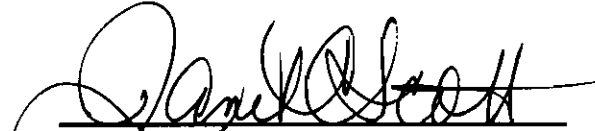
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing DEFENDANT DEKALB COUNTY BOARD OF EDUCATION NOTICE OF REMOVAL to Plaintiff's counsel by first-class, United States mail, postage pre-paid, and affixed to:

Patrick McKee
19 Spring Street
Newnan, Georgia 30213

Respectfully submitted this 18th day of July 2012,

ALEXANDER & ASSOCIATES


Janet C. Scott, Esq.
Georgia Bar No. 252707

Attorney for Defendant
DeKalb County Board of Education

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